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Attorney for Defendant,
MARCUS ASAY,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

Plaintiff,

v.

MARCUS ASAY,

Defendant.

CASE NO.: 1:22-CR-00162-NODJ-BAM

**DEFENDANT'S NOTICE OF WAIVER
OF PERSONAL APPEARANCE; ORDER**

**TO THE HONORABLE COURT AND TO THE ASSISTANT UNITED STATES
ATTORNEY:**

Defendant, MARCUS ASAY, hereby waives his right to be present in open Court upon the hearing of any motion or other proceeding in this case, including but not limited to, when the case is ordered set for trial, when a continuance is ordered, and when any other action is taken by the court before or after trial, except upon arraignment, plea, empanelment of jury and imposition of sentence.

Defendant hereby requests the Court proceed during every absence of which the Court may permit pursuant to this waiver; agrees that his interests will be deemed represented at all

1 times by the presence of his attorney, Anthony P. Capozzi, the same as if the Defendant was
2 personally present; and further agrees to be present in person in Court ready for trial any day
3 And hour the Court may fix in his absence.

4 Defendant further acknowledges that he has been informed of his rights under Title 18,
5 United States Code, Section 3161-3174 (Speedy Trial Act), and authorizes his attorney to set
6 times and delays under the Act without Defendant being present.

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10 Dated: September 10, 2024

BY: /s/ Marcus Asay

MARCUS ASAY, Defendant

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14 Dated: September 10, 2024

By: /s/ Anthony P. Capozzi

ANTHONY P. CAPOZZI, Attorney for
Marcus Asay

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17 **ORDER**

18 IT IS SO ORDERED.

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20 Dated: September 10, 2024

/s/ Barbara A. McAuliffe

21 UNITED STATES MAGISTRATE JUDGE
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